

Appn. No. 10/715,803
Docket No. GP-303124/GM2-0075

REMARKS / ARGUMENTS

Applicant notes that on page 1 of Paper No. 09032005 (Final Action paper), the Examiner identifies Claims 1-4, 7-11 and 23-25 as pending.

Applicant respectfully submits that Claim 12 is also pending, as indicated on page 1 of Paper No. 03162005, and on page 4 of Paper No. 09032005, and respectfully requests corrective action and notice thereof.

Status of Claims

Claims 1-4, 7-12 and 23-25 are pending in the application and stand rejected. Applicant has amended Claims 1, 4, 23 and 24, and added new Claims 26-27, leaving Claims 1-4, 7-12 and 23-27 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, first paragraph, and 35 U.S.C. §102(b), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejection Under 35 U.S.C. §112, First Paragraph

Claim 4 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicant traverses this rejection for the following reasons.

Applicant has amended Claim 4 to comply with the written description requirement.

No new matter has been added as antecedent support may be found in the specification as originally filed, such as at Paragraph [0030] and Figures 9 and 10.

Accordingly, and in view of the foregoing, Applicant respectfully submits that the specification provides general guidelines as to the scope of the invention such that one of ordinary skill in the art would know what was meant, and that the subject matter of the invention has been described and is supported in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had

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possession of the claimed invention and provided a complete written description thereof, and therefore respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §112, first paragraph, which Applicant considers to be traversed.

Rejections Under 35 U.S.C. §102(b)

Claims 1-3 and 7-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Richards (U.S. Patent No. 4,691,889, hereinafter Richards).

Claims 1-3, 8-9, 12 and 23-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Isaacson (U.S. Patent No. 3,788,626, hereinafter Isaacson).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "*arranged as in the claim.*" *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984) (emphasis added). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicant has amended independent Claims 1 and 24 to now recite, inter alia,

"...a load initiating element located within the housing *so as to provide an axial frictional force between the load initiating element and the housing...*".

No new matter has been added as antecedent support may be found in the specification as originally filed, such as at Paragraph [0027] for example.

Dependent claims inherit all of the limitations of the respective parent claim.

In comparing Richards and Isaacson with the claimed invention, Applicant

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submits that each of Richards and Isaacson separately fail to disclose:

"...a load initiating element located within the housing so as to provide an axial frictional force between the load initiating element and the housing..."

Regarding Richards more specifically, Applicant finds load initiating element 36 to be disposed at a distance from the inner surface of housing 14 (see Richards, Figures 4 and 5, for example), and therefore necessarily cannot be located within the housing ***so as to provide an axial frictional force between the load initiating element and the housing***.

Regarding Isaacson more specifically, Applicant finds load initiating element (Belleville spring) 46 to be disposed so as to act between the brake shoe 36 and the circular plate 32 (see Isaacson, Col. 3, lines 17-18, and Figure 2, for example), and not disposed ***so as to provide an axial frictional force between the load initiating element and the housing***.

Contrary to the claimed invention, Applicant does not find either Richards or Isaacson to specifically disclose ***"...a load initiating element located within the housing so as to provide an axial frictional force between the load initiating element and the housing..."***.

Accordingly, Applicant submits that Richards and Isaacson do not separately disclose all of the claimed elements, including their claimed attributes, arranged as in the claim, and respectfully submits that absent anticipatory disclosure in either Richards or Isaacson of each and every element of the claimed invention arranged as in the claim, both Richards and Isaacson cannot separately be anticipatory.

In view of the amendment and foregoing remarks, Applicant submits that the References do not separately disclose each and every element of the claimed invention arranged as claimed and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. §102(b) have been traversed, and requests that the Examiner reconsider and withdraw of these rejections.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §112, first paragraph, and 35 U.S.C. §102(b), have been

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traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

Regarding New Claims 26-27

Applicant has added new Claims 26-27 to capture an embodiment of the invention in the alternative.

No new matter has been added as antecedent support may be found in the specification as originally filed.

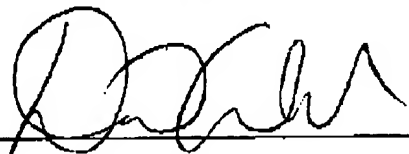
In view of the foregoing remarks, Applicant submits that new Claims 26-27 are directed to allowable subject matter and respectfully requests entry and notice of allowance thereof.

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The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,
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